UNITED
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General Assembly
Security Council

Distr.
GENERAL

A/50/331
S/1995/656
7 August 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 81 of the provisional agenda*
MAINTENANCE OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Fiftieth year

Letter dated 4 August 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement of the Federal Government of the Federal Republic of Yugoslavia dated 4 August 1995.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 81 of the provisional agenda, and of the Security Council.

(Signed) Dragomir DJOKIĆ
Chargé d'affaires a.i.

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Annex

The Federal Government condemns most strongly the latest armed aggression of Croatia against the Serbian people in the Republic of Serbian Krajina, which by its width and ruthlessness exceeds all hitherto acts of aggression committed by Croatia. The massive artillery and missile bombardment of all towns in the Republic of Serbian Krajina demonstrates that one of the main objectives of the aggression is to cause great losses to the civilian population.

Of particular concern is the fact that the general brutal aggression took place at the time of the resumption of direct negotiations on Knin-Zagreb relations, in which the Krajina side expressed the highest readiness for a political solution of the status of Krajina, accepting the agreement proposed by a Co-Chairman of the International Conference on the Former Yugoslavia, while the Croatian side arrogantly rejected that proposal.

The aggressive attitude of Croatia confirms the correctness of the constant warnings of the Federal Republic of Yugoslavia that the presence of the regular armed forces of Croatia in the former Bosnia and Herzegovina constitutes a flagrant violation of the resolutions of the Security Council. Such an attitude of Croatia towards the resolutions of the United Nations and its countenance by the international community constitutes a danger for the efforts to put an end to the crisis in the territories of the former Yugoslavia in a peaceful way and by political means.

The aggression of Croatia against Krajina is a continuation of the practice of the heightening of tension and the escalation of military conflicts whenever there emerge serious prospects for achieving concrete progress in the political solution of the crisis.

The Federal Government recalls that, by accepting the Vance plan, the United Nations has assumed direct responsibility for physical security and the maintenance of peace in the territory of Krajina and considers it duty-bound to oppose Croatia in an outright way and restore the status quo ante within the shortest period of time.

The Federal Government warns that continued countenance of the aggressive behaviour of Croatia would increase conviction in an unequal treatment of the parties in conflict and in a continuation of the policy of double standard by the international community.

The Serbian people in the Republic of Serbian Krajina, exposed to an unprovoked aggression, has a legitimate right to self-defence and it is the duty of the international community to protect it.

The Federal Government demands of the Security Council that it observe consistently its own decisions related to the prohibition of the presence of armed forces of other States in the territory of former Bosnia and Herzegovina and that it take urgent and efficient measures to compel all regular military and paramilitary forces of Croatia to withdraw from the former Bosnia and Herzegovina and the territory of the Republic of Serbian Krajina.

The Federal Government reiterates also on this occasion the firm commitment of the Federal Republic of Yugoslavia to a political solution of all problems of the crisis, including all questions in the relations between Knin and Zagreb.

Proceeding from the assumption that this is the conviction also of the preponderant part of the international community, and above all of the United Nations, the Federal Government demands of the Security Council that it order an urgent cessation of all war operations and that it ensure withdrawal of the Croatian armed forces to the separation lines established by relevant resolutions of the Security Council, as well as that it create conditions for the resumption of negotiations of the two sides.

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NATIONS

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General Assembly

Distr.
GENERAL

A/50/332
7 August 1995

ORIGINAL: ENGLISH

Fiftieth session
Item 41 of the provisional agenda*

SUPPORT BY THE UNITED NATIONS SYSTEM OF THE EFFORTS OF GOVERNMENTS TO PROMOTE AND CONSOLIDATE NEW OR RESTORED DEMOCRACIES

Report of the Secretary-General

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REPORT OF THE SECRETARY-GENERAL ON SUPPORT BY THE UNITED NATIONS SYSTEM OF THE EFFORTS OF GOVERNMENTS TO PROMOTE AND CONSOLIDATE NEW OR RESTORED DEMOCRACIES

I. INTRODUCTION

1. In its resolution 49/30 of 7 December 1994, the General Assembly requested me to study "the ways and mechanisms in which the United Nations system could support the efforts of Governments to promote and consolidate new or restored democracies", and to present a comprehensive report on this subject to the General Assembly at its fiftieth session. The present report is submitted pursuant to the request contained in that resolution.

2. The First International Conference of New or Restored Democracies took place at Manila in June 1988. The Second International Conference of New or Restored Democracies was held at Managua from 4 to 6 July 1994. Thirteen Member States took part in the Manila meeting; 74 were represented at Managua.

3. In its resolution 49/30, the Assembly noted the importance of the Declaration and Plan of Action adopted by the Managua conference. In preparing the present report, I have therefore paid careful attention to those documents. I have also drawn on other material prepared for, or issued by, the Manila and Managua conferences. In addition, in response to a request from me, a number of United Nations entities provided information about their experience in responding to requests from Member States seeking to promote or consolidate democracy. I am grateful to them for their helpful contributions. The information that they provided has enabled me to draw some tentative conclusions from the experience already gained within the United Nations system. They appear in chapter V of the present report.

4. In preparing the present report, it has become clear to me that, to avoid misunderstandings about the nature and scope of the work of the United Nations in this field, a number of preliminary clarifications are needed.

5. The United Nations system, in assisting and supporting the efforts of Governments to promote and consolidate new or restored democracies, does not endorse or promote any specific form of government. Democracy is not a model to be copied from certain States, but a goal to be attained by all peoples and assimilated by all cultures. It may take many forms, depending on the characteristics and circumstances of societies. That is why, in the present report, I do not attempt to define democracy but refer to democratization.

6. By democratization, I mean a process by which an authoritarian society becomes increasingly participatory through such mechanisms as periodic elections to representative bodies, the accountability of public officials, a transparent public administration, an independent judiciary and a free press. It is inherent in this concept that democratization does not necessarily lead immediately to a fully democratic society. That goal may be attained only in steps, with an authoritarian society gradually becoming less so. The pace at which democratization can proceed is inevitably dependent on a variety of political, economic, social and cultural factors some of which, in a given society, may not be susceptible to rapid change.

7. The United Nations stands ready to assist States in this process of democratization, when requested to do so by a Member State, and in ways agreed by the Government of that State.

8. The present report draws on, and brings together, the very considerable fund of experience that United Nations entities have already acquired in work in support of democratization processes. It describes the circumstances in which such processes are most likely to develop effectively, and provides an inventory of actions which experience has shown to be useful in supporting democratization processes. Chapter II of the present report describes ways in which the United Nations can facilitate the democratization process through the promotion of a participatory culture and an open society. Chapter III shows what the United Nations has actually done in the concrete field of electoral assistance to Member States. Finally, in chapter IV, I examine the role of the United Nations system and other actors of the international community in assisting States to build institutions that support the process of democratization.

9. The transformation of a political entity into an independent State through a process of popular participation may provide a sound foundation for a culture of democratization. The United Nations was present, in a number of cases, at the very birth of independent nations through internationally validated processes of democratic participation. In the course of the past four decades - from Togoland in 1956 to Eritrea in 1993 - the United Nations has observed and supervised over 30 plebiscites, referenda, elections and other acts of self-determination, many of them sponsored by the Trusteeship Council.

10. Seen from this perspective, United Nations work in assisting States in their efforts to promote and consolidate new or restored democracies is not new. However, recent requests made by Member States for United Nations electoral and institution-building assistance, and the decisions of the Manila and Managua conferences, reflect the changing nature of the requests that Member States are making for assistance from the United Nations.

II. PROMOTING A DEMOCRATIC CULTURE

11. Democratization processes in general will take root in a society only if a number of conditions are met. First and foremost, there must exist the political will - both at the government level and in the community of citizens at large - to move towards a more democratic approach to government.

12. Secondly, citizens in such a community must also be provided with the means to participate democratically in the decision-making processes of the society. Minimum preconditions in this regard would include the ability (a) to participate in free and fair elections; and (b) to associate freely and form political parties or movements, thus allowing a multiparty system or coalitions of parties and movements to develop; and (c) to enjoy full access to information including the resources of independent media.

13. Thirdly, these requirements are not, however, sufficient in themselves. Democracy cannot be based on forms alone: if it is to function as an effective process, it requires a developed and articulate civil society, as well as a

political culture of participation and consultation. Action by the United Nations can assist States to put in place the institutions and mechanisms of democracy; but experience has shown that action to strengthen the underlying culture of democracy may also be required.

A. Political parties and movements

14. Today, States that are seeking to promote or consolidate processes of democratization are often involved in a transition from a single party system of government to a multiparty system, which may include former liberation or rebel movements.

15. The circumstances in which demands for such a transition arise vary: they may result from internal or external pressures. In some cases, internal pressures are generated as a result of political movements for change or demands for economic improvement. External pressures generally originate with the international donor community, which may link assistance to progress in such sectors as governance and human rights. In either case, the timing of the decision to move towards a multiparty system cannot be predicted, nor can the course of that transition be charted in advance.

16. In these circumstances, the creation or consolidation of a culture of democracy can be greatly facilitated if training is provided for members of political parties and movements.

17. In new or restored democracies, political parties can be encouraged and given the means to contribute in an active and constructive manner to the political debate and to transcend the purely tribal or religious affiliations on which they are sometimes based.

18. United Nations experience in this field has come from its involvement in multidimensional peace operations. Particularly in countries emerging from long and violent civil wars, the United Nations has facilitated the transformation of rebel armed movements into established political parties.

19. In Mozambique, for example, the Electoral Division of the United Nations Operation in Mozambique (ONUMOZ) provided assistance for political parties through a "Trust Fund for Registered Political Parties". The Trust Fund played a particularly positive role in the transformation of the Resistência Nacional de Moçambique (RENAMO) into a political party. The Electoral Division also put forward a plan for a political party monitoring programme which involved training and disbursement of subsidies as well as the deployment of approximately 30,000 political party monitors to the polling stations on election days. Political party members were also trained to observe the computerized tabulation of the vote count at provincial and national counting centres.

20. In Cambodia, my Special Representative and his team held regular consultations with leaders of all major political parties, thus contributing to their integration into the political mainstream.

21. In El Salvador, with the assistance of the United Nations Observer Mission in El Salvador (ONUSAL), the Frente Farabundo Martí para la Liberación Nacional (FMLN) transformed itself into a political party, which participated in national elections in 1992.

22. It is not always possible for the United Nations on its own to carry out full training programmes for political party members. Its involvement could be seen as interference in the political life of the recipient country or could lead to accusations of favouritism towards one specific party. This important task, therefore, is sometimes better carried out by other actors, such as non-governmental organizations (NGOs). In the same case of Cambodia, for example, training was conducted mainly by two United States-based organizations, the National Democratic Institute and the International Republican Institute.

B. Free and independent media

23. Free and responsible communications media are essential for effective democratization. Independent and free media that allocate time equally to all political actors and report impartially to the general public help to guarantee freedom of thought and the unimpeded flow of ideas, and promote dialogue among people. They provide a means of exposing corruption, mismanagement, discrimination, impunity and injustice.

24. The United Nations assists Governments to create the conditions in which free and independent media can fulfil this important role. At the same time, the media must build responsible self-policing mechanisms to ensure that high levels of journalistic integrity are observed.

25. In many countries, however, vibrant, independent media have yet to emerge. In such cases, there is scope for United Nations assistance, which can take a number of forms. For instance, the Department of Public Information of the United Nations Secretariat, together with the United Nations Educational, Scientific and Cultural Organization (UNESCO), and in cooperation with the United Nations Development Programme (UNDP), held a regional seminar on promoting an independent and pluralistic African press in Namibia in 1991. Development agencies from Canada, Denmark, Finland, Germany, Norway and Sweden supported the seminar, which was attended by African journalists, media representatives, entrepreneurs, and policy-makers in information. They discussed constitutional, legal, political and human resource development issues and adopted the "Declaration on Promoting an Independent and Pluralistic African Press". In addition, a set of recommendations related to the improvement of information and communication infrastructures of African countries was approved for implementation by UNESCO through its International Programme for the Development of Communication.

26. A similar seminar was held for Asian media in 1992 at Almaty, Kazakstan. In addition to media professionals and policy-makers in information, a number of regional media organizations, communications research institutions and NGOs attended this event, which also adopted a declaration and agreed on specific project proposals to promote freedom of the press as a vital element in development and democratization.

27. In 1994, the Department of Public Information, together with UNESCO, UNDP and the Government of Chile, organized a seminar to support independent and pluralistic media in the Latin American and Caribbean region. The seminar, which brought together 400 communicators from the region, emphasized media development in both rural and overpopulated urban areas. As was the case with the earlier regional meetings, the seminar provided an opportunity to evaluate the needs and concerns of media practitioners in the region and to propose, in the Declaration of Santiago and its Plan of Action, a series of recommendations and concrete projects.

28. Currently, the Department of Public Information, in close cooperation with UNESCO and UNDP, is preparing a seminar on media development for the Arab region to be held in Yemen in January 1996.

29. All these seminars and efforts have helped sensitize the professional community, Governments and the public at large to the issues of press freedom and pluralism and have led to many practical initiatives and assistance projects, such as the establishment of media resource centres in Kyrgyzstan and Tajikistan.

30. I anticipate that many more such experiences will occur as democratization takes root in national societies that have chosen to advance and consolidate their democratic institutions.

C. Building a political culture through civic education

31. Some countries that have moved from single party systems or authoritarian regimes to multiparty electoral systems have done so without modifying constitutional provisions affecting the structure of the State. In other words, their constitutions reproduce the concentration of power and authoritarianism of the previous regime. The transition from authoritarianism to a more participatory regime requires long-term efforts in public information and civic education to ensure general awareness of the new reality and to provide the citizens with a say in its definition.

32. In particular, for the success of any electoral process, it is essential that voters participating in it for the first time have confidence in the credibility of the voting process and its institutions. Every effort must be made, therefore, to ensure that the conduct of elections is credible and transparent. The secrecy of the ballot is essential.

33. Voter education can play a positive role, too. Voting demonstrations, travelling theatre groups, brochures, newspaper articles and radio programmes can help to familiarize voters with voting procedures, and respond to their concerns.

34. It is more difficult to provide voters with guidance about the meaning of the choice they will make. Voters may identify very little with party philosophies but have strong attachments to particular personalities; or they may be influenced by ethnic or geographical factors. Indeed, the parties may not actually be distinguishable on policy or ideological grounds.

35. Voters may lack information, for example, about the comparative merits of single party and multiparty systems of government. Civic education can, therefore, be critical in explaining the range of choices open to them. It should be said, however, that, particularly in countries with high illiteracy rates, the success of such an approach cannot be guaranteed.

36. Information was, for example, crucial in preparing Cambodians for the elections and informing them about the United Nations Transitional Authority in Cambodia (UNTAC), the Paris agreements and their rights and responsibilities. After two decades of fighting and isolation, many Cambodians had little awareness of the changes that had occurred in the outside world, and of the international community's concern for their country. Many were also sceptical about the applicability in Cambodia of such concepts as free and fair elections and multiparty political campaigning. In addition to the challenges posed by a sceptical population and by partisan propaganda, UNTAC also faced physical obstacles in disseminating information. The impact of written material was reduced as a result of low literacy rates throughout the country; local radio and television facilities were old, in bad repair and had limited range. One of UNTAC's most effective measures in getting its message out was the creation of its own radio station.

37. In the case of South Africa, the United States-based National Democratic Institute, together with the Centre for Development Studies based at Capetown, initiated a comprehensive voter education programme as early as 1991. Many Governments provided financial support for the locally based efforts of South African NGOs. As part of its mandate, the United Nations Observer Mission in South Africa (UNOMSA) monitored the adequacy of such programmes in terms of content and geographical coverage. When gaps were identified, information about them was communicated to the Independent Electoral Commission and relevant NGOs.

38. The Centre for Human Rights also operates in the field of civic education. Its activities have included the publication of a handbook on human rights and elections, various public information programmes, support to civic education endeavours, and the training of public officials with key roles in elections. In Angola, for instance, the Centre cooperated with the United Nations Angola Verification Mission II (UNAVEM) in arranging a pre-election seminar on democracy, human rights and free and fair elections. The target audiences were political parties, law enforcement officials, the media, NGOs and electoral officers at the national, provincial and municipal levels. Similarly, in Malawi, the United Nations Secretariat, together with UNDP, organized a colloquium on democratic transition for government and opposition leaders following the 1993 referendum on multi- or single-party Government.

III. ELECTORAL ASSISTANCE

39. Requests for electoral assistance from sovereign Member States began to be received by the United Nations after 1989. Between 1989 and 1992, 7 requests for electoral assistance were addressed to the United Nations by Member States; by June 1995 the number had risen to a total of 89 requests (see table 1).

Table 1. Number of requests for electoral assistance per year

	No. of requests received	No. of requests accepted
Before 1992	7	7
During 1992	32	29
During 1993	22	18
During 1994	17	13
1 January-30 June 1995	11	10
Total as of 30 June 1995	89	77

40. This demand can be attributed to the following general causes: (a) the end of the cold war as well as peace agreements in several regions of the world, (b) the new emphasis on democratic processes in the republics which had formed part of the Soviet Union, and (c) the desire of Governments in some developing countries to introduce or strengthen democratization processes.

41. In view of the increasing demand for electoral assistance, in 1991 the General Assembly requested the Secretary-General to designate a focal point to assist in coordinating and considering requests for electoral assistance. Currently, my Under-Secretary-General for Political Affairs serves as the focal point.

42. The tasks of the focal point include channelling requests for assistance to the appropriate office or programme, ensuring careful consideration of requests, development of an institutional memory in order to build on past experience, the development and maintenance of a roster of international election experts and establishing contacts with relevant intergovernmental organizations to promote cooperation and avoid duplication of efforts. The Electoral Assistance Division was created in the Department of Political Affairs in April 1992 to assist the focal point in these tasks.

43. The United Nations provides seven basic forms of electoral assistance: (a) organization and conduct of elections, (b) supervision, (c) verification, (d) coordination and support for international observers, (e) support for national election observers, (f) technical assistance and (g) observation. The first three types of assistance require major missions and the approval of either the Security Council or the General Assembly. Missions for organization and conduct and for verification have generally been undertaken in the context of broader peace-keeping operations. A detailed list of electoral operations, categorized by types of assistance, is provided in table 2.

Table 2. Requests from Member States to the United Nations system for electoral assistance (in alphabetical order)

Member State	Date of request	Period of assistance	United Nations response
Albania	2/1992	3/1992	Provided technical assistance. Elections held in March 1992.
Angola	5/1991 a/	4/1992-12/1992	Provided verification and technical assistance. Presidential and legislative elections held in September 1992.
Argentina	9/1992	11/1992-6/1994	Provided technical assistance. Elections held in October 1993.
Armenia	1/1995	2/1995-ongoing	Providing coordination and support. Legislative elections to be held in July 1995.
Azerbaijan	5/1992	-	Rejected request for observers for the Presidential elections to be held on 7 June 1992 because of insufficient lead time.
	8/1993	-	Rejected request for observers for the referendum to be held on 29 August 1993 because of insufficient lead time and absence of enabling environment.
	6/1995	6/1995	Conducted needs assessment mission in connection with upcoming elections scheduled for November 1995.
Bangladesh	2/1995	3/1995	Conducted needs assessment mission. Date of elections to be announced.
Belarus	5/1994	-	Rejected request for observers for the Presidential elections to be held on 23 June 1994 because of insufficient lead time.

Member State	Date of request	Period of assistance	United Nations response
Benin	3/1995	3/1995	Provided coordination and support. Legislative elections held in March 1995.
Brazil	11/1993	12/1993-12/1994	Provided technical assistance. General elections held in October 1994.
Burundi	12/1992 b/	5/1993-6/1993	Provided technical assistance and coordination and support. Presidential and legislative elections held in June 1993.
Cambodia	10/1991 c/	11/1991-6/1993	Provided organization and conduct. Elections held in May 1993.
Cameroon	2/1992	2/1992-3/1992	Provided observation (follow and report). Legislative elections held in March 1992.
Central African Republic	6/1992 b/	10/1992	Provided coordination and support. General elections held in October 1992.
	7/1993	8/1993-9/1993	Provided observation (follow and report). General elections held in August and September 1993.
Chad	12/1992	1/1993-4/1993	Provided technical assistance.
	1/1995	3/1995-ongoing	Providing technical assistance. Date of elections to be announced.
Colombia	2/1993	6/1993-12/1994	Provided technical assistance.
Congo	7/1992	7/1993-8/1993	Provided observation (follow and report). Presidential elections held in August 1992.
	11/1992	5/1993	Provided coordination and support. Legislative elections held in May 1993.
	3/1995	-	Rejected request for observers for the last phase of the Legislative elections to be held on 9 April 1995 because of insufficient lead time.

Member State	Date of request	Period of assistance	United Nations response
Côte d'Ivoire	4/1995	7/1995-ongoing	Conducting a needs assessment mission in connection with elections scheduled for the last quarter of 1995.
Djibouti	8/1992	9/1992	Provided observation (follow and report). Referendum held in September 1992.
	11/1992	12/1992	Provided coordination and support. Legislative elections held in December 1992.
	3/1993	5/1993	Provided coordination and support. Presidential elections held in May 1993.
El Salvador	6/1992	8/1992	Provided technical assistance.
	1/1993	4/1993-3/1995	Provided verification and technical assistance. General elections held in March and April 1994.
Equatorial Guinea	3/1993	4/1993-ongoing	Providing technical assistance.
	7/1993	-	Rejected request to send observers for the elections scheduled to take place in September 1993 because of absence of enabling environment. Elections subsequently postponed until November 1993.
Eritrea	5/1992	1-5/1993	Verification and technical assistance.
Estonia	6/1992	-	Rejected request for observers for the referendum to be held on 28 June 1992 because of insufficient lead time.
Ethiopia	4/1992	5/1992-3/1994	Provided coordination and support and technical assistance. Regional elections held in June 1992 and national elections in June 1994.

Member State	Date of request	Period of assistance	United Nations response
Gabon	10/1993	11/1993-12/1993	Provided follow and report and technical assistance. Presidential elections held in December 1993.
	5/1995	7/1995-ongoing	Conducting a needs assessment mission.
Gambia	4/1995	5/1995-ongoing	Conducted a needs assessment mission. Technical assistance project being prepared.
Ghana	4/1992	-	Offered to coordinate international observers instead of sending observers for the Presidential and Parliamentary elections to be held in November and December 1992. Government rejected United Nations offer.
Guinea	3/1992	5/1992-12/1993	Provided technical assistance and follow and report. Presidential elections held in December 1993.
	4/1995	6/1995	Provided observation (follow and report). Legislative elections held in June 1995.
Guinea-Bissau	12/1992	1/1993-8/1994	Provided technical assistance and coordination and support. General elections held in July 1994.
Guyana	6/1992 b/	6/1992-10/1992	Provided technical assistance. Elections held in October 1992.
Haiti	7/1990	11/1990-1/1991	Provided verification and technical assistance. General elections held in December 1990 and January 1991.
	9/1994	10/1994-ongoing	Providing technical assistance. First round of legislative elections held in June 1995.
Honduras	3/1994	6/1994-ongoing	Providing technical assistance.

Member State	Date of request	Period of assistance	United Nations response
Hungary	4/1994	-	Rejected request for observers for the Parliamentary elections to be held on 8 May 1994 because of insufficient lead time.
Kenya	11/1992	12/1992-1/1993	Provided coordination and support. Legislative elections held in December 1992.
Kyrgyzstan	12/1994	1/1995-3/1995	Provided observation (follow and report) and assessment of post-electoral support. Parliamentary elections held in February 1995.
Latvia	5/1993	-	Rejected request for a United Nations delegation to observe the elections for the 5th Saeima (Parliament) to be held in June 1993 because of insufficient lead time.
	4/1994	-	Rejected request for observers for the local authorities elections to be held in May 1994 because of insufficient lead time.
Lesotho	8/1991	11/1991-12/1991	Provided technical assistance.
	10/1992	12/1992-3/1993	Provided coordination and support. General elections held in March 1993.
	6/1994	12/1994	Conducted needs assessment mission for possible assistance to the democratization process.
Liberia	2/1992	5/1992	Provided technical assistance.
	7/1993	8/1993-ongoing	Providing verification and technical assistance. d/
Madagascar	3/1992	4/1992-12/1992	Provided technical assistance and follow and report. Constitutional referendum held in August 1992, Presidential elections held in November 1992 and February 1993, and legislative elections held in June 1993.

Member State	Date of request	Period of assistance	United Nations response
	4/1994	-	After requesting observers for the municipal and local elections to be held in July 1994, Government did not answer United Nations offer to coordinate and support. Elections did not take place.
Malawi	10/1992	11/1992-6/1993	Provided technical assistance and coordination and support. Referendum held in June 1993.
	10/1993	11/1993-12/1994	Provided technical assistance and coordination and support. Presidential and parliamentary elections held in May 1994.
Mali	9/1991	12/1991-4/1993	Provided technical assistance and observation (follow and report). Elections held in April 1992.
Mexico	4/1994	6/1994-5/1995	Provided support to national observers. Elections held in August 1994.
Moldova	1/1994	2/1994-3/1994	Provided observation (follow and report). Parliamentary elections held in February 1994.
Mozambique	10/1992 e/	10/1992-12/1994	Provided verification and technical assistance. Presidential and Parliamentary elections held in October 1994.
Namibia	7/1994	5/1994-12/1994	Provided coordination and support. General elections held in December 1994.
Netherlands (Netherlands Antilles)	6/1993	8-11/1993	United Nations representation in Referendum Commission (Curaçao).
	6/1994	10/1994	United Nations representation in Referendum Commission (St. Maarten, St. Estacious and Saba).

Member State	Date of request	Period of assistance	United Nations response
Nicaragua	3/1989 f/	8/1989-3/1990	Provided verification and technical assistance. Elections held in February 1990.
	11/1993	12/1993-3/1994	Provided coordination and support and sent a team of observers from ONUSAL. Elections (Atlantic Coast) held in February 1994.
Niger	6/1992	12/1992-3/1993	Provided coordination and support. Referendum held in December 1992, legislative elections in February 1993, Presidential elections in February and March 1993.
	12/1994	12/1994-1/1995	Provided technical assistance. Parliamentary elections held in January 1995.
Panama	11/1993	12/1993-8/1994	Provided technical assistance.
Paraguay	4/1993	5/1993-6/1993	Provided technical assistance and observation (follow and report). General elections held in May 1993.
Peru	1992 b/	7/1992-ongoing	Providing technical assistance.
Philippines	11/1991 b/	4/1993-5/1993	Provided technical assistance.
Romania	1990 b/	4/1990-5/1990	Provided technical assistance.
	9/1992	9/1992-10/1992	Provided observation (follow and report). Parliamentary and Presidential elections held in September and October 1992.
Russian Federation	10/1993	12/1993	Provided observation (follow and report). Federal Assembly elections held in December 1993.
Rwanda	5/1992	6/1992	Provided technical assistance.
Sao Tome and Principe	8/1994	10/1994	Provided observation (follow and report). Legislative elections held in October 1994.

Member State	Date of request	Period of assistance	United Nations response
Senegal	2/1993	3/1993-5/1993	Provided observation (follow and report). Presidential and legislative elections held in February and May 1993.
Seychelles	6/1992	7/1992	Provided observation (follow and report). Elections held in July 1992.
	7/1993	7/1993	Provided observation (follow and report). Presidential and legislative elections held in July 1993.
Sierra Leone	9/1993	10/1993	Provided technical assistance.
	3/1994	6/1994 ongoing	Providing technical assistance.
South Africa	12/1993	12/1993-5/1994	Provided verification. General elections held in April 1994.
Swaziland	5/1993	-	Rejected request for financial assistance for the Parliamentary elections to be held in 1993 because of unavailability of IPF funds.
The former Yugoslav Republic of Macedonia	9/1994	10/1994	Provided observation (follow and report). Presidential and Parliamentary elections held in October 1994.
Togo	4/1992	5/1992-12/1992	Provided technical assistance. Referendum held in September 1992.
	7/1993	8/1993	Provided observation (follow and report). Presidential elections held in August 1993.
Uganda	10/1992	11/1992-ongoing	Provided coordination and support. Providing technical assistance. Elections held in March 1994.
	5/1995	Under consideration	Considering request for further technical assistance to the Electoral Commission.
Ukraine	1/1994	3/1994	Provided observation (follow and report). Parliamentary elections held in March 1994.

Member State	Date of request	Period of assistance	United Nations response
	6/1994	6/1994	Provided observation (follow and report). Presidential and local elections held in June 1994.
United Republic of Tanzania	9/1994	9/1994 (CHR)	Conducted needs assessment mission.
		4/1995 (EAD)	Conducted needs assessment mission. Coordination and support under consideration.

a/ Date of the signing of the Estoril agreements.

b/ Approximate date.

c/ Date of the signing of the Paris agreements.

d/ Assistance currently on hold.

e/ Date of the signing of the general peace agreement.

f/ This request was based upon the Esquipulas II Agreement of August 1987.

44. The type of electoral assistance that the United Nations provides to a requesting Member State is normally determined on the basis of a needs assessment mission to the country. Such missions have two basic tasks: a realistic evaluation of the conditions for the conduct of viable elections and an assessment of the basic electoral needs of the country. Among the factors to be considered are the provisions of the existing constitution and electoral laws, the existence of an independent electoral commission, the extent to which the schedule of electoral events ensures sufficient time for registration and a meaningful campaign, the views of all parties regarding United Nations assistance and the general commitment by government to the conduct of a legitimate electoral process.

45. The most frequent problems encountered during a needs assessment mission are: (a) lack of material resources, resulting in a need to request the international community to finance some of the material and equipment requested for the organization of an election; (b) lack of skilled human resources in areas such as civic education, training, delimitation of constituencies, social communications, logistics, demography and information systems; (c) weak administrative structures within the electoral bodies, when they exist; (d) lack of identification documents, starting with birth certificates; (e) a high level of illiteracy; (f) lack of a reliable electoral register; and (g) problems

associated with distributing electoral materials, as a result of deficient infrastructure and transport facilities, as well as lack of proper planning.

46. All types of assistance can be adapted or modified to suit the particular needs of the requesting country; often one form of assistance can complement another. For example, technical assistance is often provided in conjunction with an observation mission. Although the best known forms of assistance are large electoral assistance missions such as those carried out in Namibia or Cambodia, the most frequently requested assistance is technical, involving one or two consultants for a specific project over one or two months.

A. Organization and conduct of elections

47. The most extensive electoral assistance the United Nations has provided was for Cambodia. This operation, which culminated in elections in 1993, was an integral component of the Paris agreements signed in October 1991. The mission was undertaken in the context of the larger UNTAC mandate, which was created by the Security Council on 19 February 1992, together with approval of the necessary financing by Member States.

48. In this case the United Nations was given the responsibility for organizing and conducting the elections, the first time it had received such responsibility. UNTAC's electoral duties were only one aspect of its larger responsibility to exercise the powers necessary to ensure the implementation of the Paris agreements. Among its military tasks were the supervision of the cease-fire and related measures, verification of the withdrawal of foreign forces and their non-return and an extensive demining programme. An UNTAC civilian police component was responsible for supervising and controlling the local police. A civic administration component was also established, exercising direct supervision over those administrative agencies and offices which could directly influence the outcome of elections. The Office of the United Nations High Commissioner for Refugees (UNHCR) was instrumental in the repatriation of some 365,000 Cambodian refugees between 30 March 1992 and 30 April 1993. Other components of the UNTAC mission included human rights and rehabilitation/development.

49. On 1 April 1992 my Special Representative presented the draft electoral law drawn up by UNTAC to the Supreme National Council and the law was formally promulgated in August. Voter registration began in October 1992 and, with an extension through 31 January 1993, resulted in the registration of some 4.7 million voters, approximately 96 per cent of the eligible voting population. The elections were scheduled for 23 to 28 May 1993.

50. If an election is to be successful, a free and fair electoral campaign is essential. The role of the UNTAC civic administration and information/education components was critical in this context. To ensure fair access to the media during the campaign, Radio UNTAC offered weekly segments to each political party for the broadcast of political material and allowed a "right of response" whenever a political party or its candidate or official believed it had been unfairly attacked or its public statements misrepresented. Furthermore, UNTAC civilian police monitored political meetings and rallies during the six-week

period of the official electoral campaign, and they provided protection for political party offices considered to be most at risk.

51. UNTAC also undertook the procurement of all election-related equipment and materials and selected over 50,000 Cambodians to be trained as polling officers for the 1,400 polling stations. Some 900 international polling station officers were recruited from 44 countries and the Inter-Parliamentary Union (IPU) to join existing UNTAC staff at polling stations throughout the country. Each station had one Cambodian Presiding Officer in charge and one international polling station officer to provide support.

52. Despite continuing sporadic acts of violence and uncertainties over the intentions of the Party of Democratic Kampuchea throughout the campaign, the elections were generally peaceful and nearly 90 per cent of the registered voters turned out to vote. Following completion of the vote count, my Special Representative declared on 10 June 1993 that the election as a whole had been free and fair.

53. The electoral assistance component of UNTAC began with the first needs assessment mission in November 1991 and continued until the departure of the last electoral officer at the end of July 1993. The pre-election and election activities included civic education and training; elaboration of an appropriate legal framework; drafting of the electoral law; registration of voters, parties and candidates; polling; vote count and verification.

54. The only other example so far of this type of mission is the United Nations Mission for the Referendum in Western Sahara (MINURSO) which is responsible for the organization and conduct of a referendum in Western Sahara.

B. Supervision

55. A second and equally rare form of electoral assistance is election supervision. Election supervision has been undertaken largely in the context of decolonization, as such an approach is not appropriate for use in sovereign States. In this context, a Special Representative of the Secretary-General must certify not only the results of the elections but all steps of the process, including both political and electoral components. These components must be clearly identified at the outset. As in the case of organization and conduct missions, United Nations supervision of an election must be authorized by the Security Council or the General Assembly, is relatively costly and requires significant lead time.

56. The most recent example of such assistance is provided by the 1989 elections in Namibia. In this case the elections were administered by an Administrator-General appointed by South Africa, and supervision was provided by the Special Representative of the Secretary-General. The Special Representative was responsible for satisfying himself at each stage in the process of the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures took effect, and was authorized to make proposals regarding any aspect of each stage. The official electoral campaign could begin only after the Special Representative had

approved the electoral procedures to be followed. The implementation of the electoral process, including the registration of voters and the tabulation and publication of the voting results, were also required to be conducted to his satisfaction. He was further responsible for ensuring that no intimidation or interference with the electoral process took place.

57. The United Nations Transition Assistance Group (UNTAG) was a very large-scale operation due to its mandate not only to certify each stage of the electoral process but also to ensure the creation of conditions for free and fair elections in Namibia. The mission was ultimately composed of almost 8,000 persons, including just under 2,000 civilians, 1,500 civilian police monitors (CIVPOL) and approximately 4,500 military personnel. For the registration of voters, 283 internationally recruited staff worked in the field as counterparts to all senior registration officials appointed by the Administrator-General in the 23 electoral districts, on a one-to-one ratio. Approximately 700,000 voters were registered without incident. On election day, 1,783 UNTAG electoral personnel supervised some 2,500 counterparts appointed by the Administrator-General in the conduct of the poll at fixed and mobile polling stations. The ratio of United Nations supervisors to administrators was 4:5.

58. The visible and long-term presence of UNTAG over seven months contributed greatly to the creation of a stable and orderly atmosphere for the conduct of elections. The elections were certified as free and fair by the Special Representative, thus paving the way for the convening of a Constituent Assembly and early independence for Namibia.

59. Clearly, this type of electoral assistance is very costly and invasive of national sovereignty. As there are relatively few remaining cases of decolonization, this type of assistance is unlikely to be undertaken in future.

C. Verification

60. A more common type of electoral assistance is the verification of elections. This type of assistance has been provided in Angola, El Salvador, Eritrea, Haiti, Mozambique, Nicaragua and South Africa. In many cases, such missions are one component of a larger peace-keeping mission. Although this form of assistance also requires authorization by the Security Council or the General Assembly, it is less intrusive for the requesting country, as the Government remains responsible for the organization and conduct of the elections. The United Nations is responsible only for certifying the legitimacy of the various phases of the electoral process. International observers are deployed throughout the country for the electoral period. Their reports are usually supplemented by a "quick count" before the issuance of a final statement on the conduct of the electoral process. The quick count is a statistical method to project the final results of an election, from the results of a few polling stations chosen at random.

61. In Mozambique, the holding of elections was only one component of the general peace agreement signed in Rome on 4 October 1992. ONUMOZ was established by the Security Council on 16 December 1992 with a mandate covering four basic types of activity: political, military, electoral and humanitarian.

Progress was necessary on a variety of political, military and humanitarian concerns (such as verifying and monitoring the cease-fire, demobilization of troops, demining operations, repatriation of refugees) before election preparations could be seriously considered.

62. The scheduling and organization of elections in this context requires considerable flexibility and coordination to ensure that the various components of the mission are assembled and completed on time. If the demobilization of troops were to take longer than anticipated, election scheduling might require adjustment. At the same time, elections cannot be delayed repeatedly, or the financing and credibility of the operation would be jeopardized.

63. The electoral process in Mozambique formally began with the designation of the 21 members of the National Elections Commission and the adoption of the Electoral Law by the Mozambican National Assembly on 9 December 1993. The United Nations, and UNDP in particular, provided technical assistance to the Commission and its Technical Secretariat for Elections Administration in carrying out the provisions of the Electoral Law. In this context, the United Nations assisted with the establishment and functioning of the Electoral Tribunal, which included three international judges designated by the United Nations, and assisted in the training of 1,600 voter registration teams, civic education agents and some 60,000 election day poll workers.

64. The formal observation of the electoral process began with the deployment by June 1994 of 126 long-term observers to the various provinces and districts, including Maputo. Ninety-six of these observers were provided from the ranks of the United Nations Volunteers (UNVs). Their task included the monitoring of voter registration (which began on 1 June), civic education campaigns, the press and the activities of political parties and their leaders before and during the electoral campaign. Complaints from political parties and individuals concerning irregularities were received and transmitted to the National Elections Commission. In some cases, complaints were investigated by the international observers.

65. The number of observers gradually increased until the final phase of the election, at which time some 2,300 international observers were deployed throughout the country. The observers included nationals of 113 Member States as well as representatives of intergovernmental and NGOs such as the European Union, the Organization of African Unity (OAU), and the Association of West European Parliamentarians against Apartheid (AWEPA). The Chairman of the National Elections Commission formally announced the election results on 19 November 1994. Shortly thereafter, the Special Representative of the Secretary-General declared the elections to have been free and fair, based on the reports from the international observers.

66. In the general context of United Nations electoral assistance, the three types of major missions described above are exceptions to the normal practice which will rarely be justified or appropriate. It is, therefore, important to clarify that most electoral assistance is provided in far more modest conditions - using one or two consultants for several weeks or months, utilizing various forms of cost-sharing arrangements and requiring no mission-specific mandates from the Security Council or General Assembly.

D. Coordination and support for international observers

67. Among the standard types of electoral assistance activities is the coordination and support mission. This approach was first experimented with in Ethiopia in 1992, and later fully developed in Lesotho, Malawi and the Niger. For this type of assistance, the United Nations establishes a small secretariat in the requesting country in order to coordinate and provide logistical support for international elections observers sponsored by Member States, intergovernmental and NGOs. Optimally, such assistance begins just prior to registration and continues throughout the campaign period, concluding with the announcement of the election results. The international observer group may issue a statement on the election but the United Nations does not express a formal view.

68. There are two major advantages to this type of assistance: (a) the United Nations retains a low political profile while providing support to an important political process, and (b) the approach is least intrusive of national sovereignty while at the same time providing the benefits of an international observer presence.

69. In 1993, for example, as Malawi prepared for a June referendum, the United Nations established a small electoral assistance secretariat at the end of March. International observers began to arrive shortly thereafter in order to observe the registration process and the later campaign. In April, the International Foundation for Electoral Systems, an international NGO based in the United States, provided experts in civic education and poll-worker training who joined the secretariat and began work with the Referendum Commission in order to elaborate an effective civic education programme, determine the most appropriate election procedures and develop training manuals and guidelines to be used in poll-worker training. The Joint International Observer Group, composed of observers from individual countries and NGOs, issued a statement at the end of the registration period, highlighting its validity but noting problems for future reference.

70. As the day scheduled for the referendum approached, the Government changed the voting procedure from its traditional use of two ballot boxes to the use of one. As a consequence, a variety of new election materials (such as ballot envelopes, staining ink, and lanterns) were required and the Electoral Assistance Secretariat was requested to assist in their procurement. This task was added to its ongoing responsibilities for the provision of electoral expertise to the Referendum Commission and the coordination and deployment of international observers.

71. On the referendum day, all election materials were in place, the poll workers had been trained and some 200 international observers were deployed throughout the country to observe the voting. A statement on the referendum was issued by the Joint International Observer Group after a final debriefing following completion of the vote count. By mid-June, all observers and experts had left the country and the electoral assistance secretariat was closed. A similar approach, on a slightly larger scale, was used the following year on the occasion of Presidential and Parliamentary elections.

72. The Malawi example illustrates the combining of two types of electoral assistance: (a) technical assistance, and (b) coordination and support for international observers. The practice of long-term observation covering the entire electoral process was found very helpful, and preferable to the common practice of election-day-only observation. The coordination and support approach is also relatively cost-effective, since the Member States and organizations providing observers cover their basic costs and contribute proportionately to the general operational costs of the electoral assistance secretariat.

E. Support for national election observers

73. Support for national election observers was provided in Mexico in 1994. This approach emphasizes the importance of long-term national capacity-building and the strengthening of existing national institutions. In this case, support was provided for the creation of an effective national observer network, based on the participation of appropriate national organizations. Technical and material assistance was supplied in order to strengthen those organizations' capabilities in observing and assessing the electoral process. This approach is best utilized in countries that are relatively well developed and pluralistic, and that possess a viable community of NGOs willing to participate in national election observation.

F. Technical assistance

74. Technical assistance is the most frequently requested form of electoral assistance available and may form part of the options already described. Often it is the only component of an electoral assistance mission. The Electoral Assistance Division has provided technical assistance in such fields as electoral systems, election organization and budget, boundary definition, civic and voter education, computer applications, logistics, procurement of election materials and training of election administrators.

75. The June 1994 elections in Guinea-Bissau provided a useful example of the long-term technical support which the United Nations has been able to provide. In December 1992, the Government of Guinea-Bissau requested United Nations assistance in preparing for their first multiparty elections, tentatively scheduled for 1993. In response to the request a needs assessment mission visited Guinea-Bissau in December 1992. Based on the mission's report, the United Nations recruited a chief technical adviser and two experts in civic education and training in spring 1993.

76. The chief technical adviser, initially responsible for assisting with the preparation of a comprehensive elections budget, provided advice to the electoral authorities on a wide range of issues including aspects of the electoral law, the composition and remuneration of the electoral commission, procedures and logistics of voter registration and procedures for the conduct of the polls, including ballot design, organization of the poll, vote count and computation of final results. The chief technical adviser remained in Guinea-Bissau for four months. The civic education consultant worked with the

electoral commission for two months in order to assist in the design and implementation of an effective civic education programme throughout the country. The training expert also spent two months in Guinea-Bissau, working closely with the electoral commission on the planning, organization and supervision of training activities for all registration and polling officers. Included in these tasks were the preparation of training manuals, the design of training courses and actual instruction. Although the elections were postponed in the course of 1993, the technical assistance project was completed by the end of the year. For the elections which took place in July and August 1994, the United Nations coordinated a group of 107 international observers.

G. Observation

77. Finally, another approach to electoral assistance is simple election observation, using one or two United Nations representatives as requested. This approach is rarely used, because its cost, albeit small, is not justified by the results. The primary difficulty with this approach is that a single observer cannot have any meaningful impact on the conduct of an election and the observer presence, as a result, is largely symbolic. Although the observer will provide the Secretary-General with a report on the election and its conduct, the election results are always known through the media prior to the receipt of the report. This approach can be justified only in special circumstances.

IV. BUILDING INSTITUTIONS FOR DEMOCRACY

78. For democratization to take root, free and fair elections are necessary but not sufficient. Their outcome must be accepted and respected by all parties, and supported by a strong institutional framework which must be shaped, sustained and strengthened on a continuing basis.

79. Institution-building, therefore, refers to the efforts of the United Nations system to assist with the establishment of the necessary new institutions or to change existing ones to make them more efficient in supporting the democratization process. Such efforts entail the enhancement of national skills and knowledge in order to improve performance. Institution-building may involve changing the structure of an institution, its culture, the way it is managed and, in some cases, its whole strategic orientation in a more democratic direction. Such a change refers, for instance, to the way the institution perceives itself, making it more participatory, more concerned about the effectiveness, openness and timeliness of its services and the integrity and quality of its staff.

80. Institution-building can have a vital contribution to make in the creation of an orderly democratization process. Although many entities of the United Nations system working in the development field are engaged in programmes involving institution-building, they do not always put such assistance within the context of democratization, preferring to refer only to their intergovernmental mandates to promote developmental objectives. Others, working in fields such as human rights and labour relations, provide assistance that has a positive impact, although an indirect one, on the advancement of

democratization. This chapter gives numerous examples of how all these activities - whether they are designed to promote "good governance", "capacity-building" or the reform of public administration, and whether their ultimate purpose is to enhance accountability, transparency, free flow of information, full participation or the rule of law - have an extremely important part to play in consolidating and promoting new or restored democracies.

81. This chapter also gives illustrative examples of the assistance the United Nations system is currently providing, or planning to provide, for institution-building. It also draws some lessons. This is by no means an exhaustive list. Rather, it shows representative types of United Nations assistance that are available for Governments in consolidating their democratization process through the creation and strengthening of institutions.

A. Creating and strengthening democratic structures of government

82. The democratization process inevitably raises, for those States engaged in it, issues involving governmental structures and functions. They include the respective roles of the executive branch, the legislature and the judiciary, as well as the relationship between the state, regional and local levels of government.

83. UNDP has long assisted Member States in implementing transitions in governmental structures in response to a new political or economic situation. In the Lao People's Democratic Republic, UNDP, together with the World Bank and the representatives of the state organs responsible for the reform, reviewed key policy matters relating to the Government's strategy: constitutional separation of powers, redefinition of the roles of provincial and district bodies, an organizational review of the state apparatus in terms of its overall size and the mandates of each agency, creation of a national institution of public administration, and the restructuring of several ministries. UNDP has been involved elsewhere in similar reforms in which the focus has mainly been on the reorganization of governmental structures for better economic and social policy management.

84. Experience has shown that, in a democratization process, measures need to be taken to increase the accountability of the executive branch to elected bodies, and to ensure that its actions are transparent and subject to effective scrutiny. Section C below discusses these issues further.

85. Parliament is a key institution of the organization and democratic functioning of the State. By facilitating contacts between citizens and governing authorities at all levels, democratically elected parliamentarians can play a very important role in the democratization process. IPU is a particularly relevant partner of the United Nations in this regard. Since its inception, in 1889, IPU has been active in the field of democratization, promoting the establishment of representative institutions, free and fair elections, the participation of women in political life, the representation of minorities and the defence of human rights.

86. Decentralization is sometimes an answer chosen by a Government to bring more effectiveness to governmental functions and/or to establish a more participatory form of administration. At times, totally new governmental structures have to be established as well. National human rights institutions are examples of these new structures.

87. UNDP experience in a decentralization project in Venezuela demonstrated another important aspect of any successful process of transition. While decentralization often appears to be a technical way of achieving efficiency through a better allocation of economic resources, by bringing services closer to the communities, it is in reality mainly a political process aimed, particularly, at fostering contacts between citizens and the government. It was realized in Venezuela that political decentralization had to precede fiscal decentralization since the centre does not give up financial power voluntarily. Changing the political structure first was a better way of achieving true decentralization, and so a powerful lower-level constituency was created, which pressured for it. Experience in Venezuela also shows that decentralization can strengthen national integration since it promotes a perception that the State belongs to the people, and is responsive to their demands and interests.

88. Experience gained in Africa highlights a totally different aspect of decentralization: reforms instituted at local levels should not bypass the traditional structures of authority in society. Tribal chiefs with traditional roles of authority have, in the eyes of many people, a legitimate power given to them by the people and their forefathers. The process of democratic development and modernization needs to find ways to accommodate this power so that democratization does not lead to a breakdown of the established order and to the elimination of the traditional mechanisms for resolving conflicts and managing common property. Instead, ways should be found to mobilize the traditional power structure for the long-term development of participatory democracy.

89. A good example of the above is UNDP support for decentralization in Côte d'Ivoire, which is part of its large public sector programme and is participatory in character. The decentralization project, carried out with the Ministry of Interior, aims to build local and regional institutions, to support the "communalization" programme, to support an effective and actual transfer of responsibilities and prerogatives from central to regional level and to promote a participatory approach with the communities.

90. The Centre for Human Rights of the Secretariat has been assisting Governments to establish national institutions for the promotion of human rights and providing similar assistance within its overall mandate. In 1994, for instance, the Centre for Human Rights helped the Governments of Estonia, Latvia, and Lithuania to establish their first human rights commissions. UNDP has considerable capacity in this area as well. For instance, it has provided assistance to the creation of ombudsmen in Governments.

91. In Paraguay, following the overthrow of the administration of General Stroessner, the new constitutional authorities requested a variety of technical assistance from the United Nations, the area of human rights being one of the first. In April 1990, the Centre for Human Rights and UNDP concluded a first technical cooperation agreement in the field of human rights with the

Government, leading, in December 1990, to the establishment of the Directorate-General for Human Rights as a department of the Ministry of Justice and Labour. Its main functions include: (a) processing the dissemination of human rights as an effective means of guaranteeing their observance and consolidating the democratic system, (b) cooperating with relevant institutions to promote the teaching of human rights at the primary, secondary and university levels and in non-formal education and (c) promoting the alignment of domestic legislation with international agreements and treaties on human rights.

92. Institution-building is also needed in emergencies and post-conflict or post-chaos situations to secure the foundations for a future democratization process. It is at this stage that the first seeds of future social justice and respect for human rights and fundamental freedoms are sown. Depending on the characteristics of a given situation, the relevant components of the United Nations system will, in concert, facilitate a smooth transition from a humanitarian and/or political crisis to democratization and development. The rights of refugees, displaced persons and migrants have to be taken care of in large-scale emergency situations as well. The Office of the United Nations High Commissioner for Refugees (UNHCR) is providing technical assistance in institution-building related to the rights and well-being of these population groups in a period of transition such as in the countries of the Commonwealth for Independent States (CIS).

93. Independent trade unions are also among the defining features of a mature democracy. The mechanisms for consultation, collective bargaining, workers' participation, personnel policy and the settlement of labour disputes - which are the heart of the work of the International Labour Organization (ILO) - play an essential role in the transition to more democratic institutions and the new culture of work, as well as a market economy. For instance, ILO has been recently involved in establishing a tripartite forum for discussion in El Salvador, enshrined in the National Work Council. The project helps construct the framework needed to encourage productive social dialogue on business and labour issues, social safety nets, and labour legislation. ILO has been similarly pursuing efforts to strengthen and consolidate the move towards democracy and peace in Guatemala, through mechanisms that encourage tripartite dispute settlement and the establishment of a sound labour relations system.

B. Enhancing the rule of law

94. For democratization to become a reality, the rule of law must prevail. Policies and regulations should be developed and implemented according to an institutionalized process with opportunities for review. The use of discretion must not result in arbitrary and capricious exercise of power. In short, a set of rules must be known in advance, rules must be enforced and should provide room for conflict resolution, and known procedures for amending the rules must exist.

95. Technical assistance to achieve these goals has been provided by several components of the United Nations system. Such assistance also contributes, directly or indirectly, to the process of democratization.

96. In some countries the weakness of legal institutions calls into question the very existence of a law-based State. In such cases, political pluralism, which involves providing the necessary political space for organizations of civil society, non-governmental organizations and self-governing local governments, cannot function properly until the appropriate legal institutions are established.

97. One approach is to provide broad support through projects for legal institutions, including, for example, legal training, legal education through strengthening law schools, judicial infrastructure, such as court buildings, law libraries, etc., and the publication and dissemination of legal information. Such projects were initiated, for instance, by the World Bank in the United Republic of Tanzania in 1992, and in Zambia in 1993.

98. The provision of security, through adequate crime control and effective justice is assuming an increasingly important role, both nationally and internationally as its neglect usually has serious consequences for development efforts and democratic institutions. United Nations crime prevention and criminal justice programmes are being developed to provide States with technical assistance, such as data collection, information and experience sharing, as well as advisory services in criminal justice, including new modern communications techniques and training. They assist States in identifying their crime prevention and criminal justice needs and in addressing them, through technical cooperation in the area of law reform, including the elaboration of criminal codes and other legislative or procedural improvements, as well as more effective crime prevention and criminal justice planning. In addition to addressing these issues at a national level, the programmes also assist States in fighting transnational crime, including organized criminal activity, economic and environmental criminality and money-laundering. These activities are carried out by the Crime Prevention and Criminal Justice Branch of the Secretariat, the Interregional Adviser for Crime Prevention and Criminal Justice based at Vienna, and the Regional Adviser for Crime Prevention and Criminal Justice of the Economic and Social Commission for Asia and the Pacific (ESCAP).

99. In elaborating its projects, the United Nations collaborates with academic institutions and other relevant national entities. It also ensures that matters related to crime prevention and criminal justice are incorporated into the planning and implementation of United Nations peace-keeping and peace-building operations.

100. In Eastern Europe and Central Asia substantial technical assistance has been extended to countries moving from a command to a market economy. In Belarus, Latvia, Lithuania, Romania, Russia, Ukraine, and Uzbekistan, for example, the World Bank is assisting with legislative, administrative, and judicial reforms so that the institutional framework is in place to enact, administer, and enforce laws. Law reform units within government structures have been established with the Bank's help. Anti-monopoly and financial supervision agencies are being set up or strengthened, and training programmes for judges, lawyers and court officials have been launched.

101. In East Asia, similar efforts are being made to introduce new laws and to create an institutional framework for the economies in transition in that

region. In the Middle East and North Africa the work has focused on improving the effectiveness of legal and regulatory frameworks. In sub-Saharan Africa the Bank is helping to strengthen legal institutions. A start is being made with projects on legal training and court infrastructure in the United Republic of Tanzania and Zambia, as well as in Burkina Faso and Mozambique. A particular feature of the former is targeted training for legal draftsmen.

102. In a functioning democracy, labour relations must also be subjected to the rule of law. Since 1992, 52 Member States have asked the ILO for assistance on the revision or drafting of labour legislation. These include several of the countries which participated in the International Conferences of New or Restored Democracies, such as Albania, Belarus, Bulgaria, Cambodia, Kazakstan, Uzbekistan, Romania, the Russian Federation, Ukraine, and Viet Nam. This assistance has ranged from informal consultation with specialists on labour legislation to the preparation of a draft labour code based on ILO principles for legislative adoption. For example, the Government of Romania requested comments on draft legislation on collective bargaining, employer's organizations and dispute settlement, Bulgaria requested and incorporated ILO comments on a draft labour code which was adopted in 1993, and Cambodia asked for assistance with a revision of the labour code, which was then adopted in 1994.

103. From the growing experience with legal reform across regions, the following lessons are emerging: (a) legal reform cannot be successful without the full conviction and political commitment of the Government concerned, (b) there is a need to avoid wholesale transfer of Western-based legislation without due regard for the legal traditions of a country, a particular risk in transition countries; more generally, in all countries, the effectiveness of legal reforms depends greatly on how the reforms take into account the social, religious, customary, and historical factors in a society, (c) of crucial importance is the institutional framework so that new laws can be applied firmly but fairly and the right balance is struck between licence and regulatory control in a market economy; in this way, legal framework reform involves broader issues of public policy and institutional development, (d) excessive use of administrative orders issued under delegated powers can result in a conflicting and non-transparent legal framework.

C. Improving accountability, transparency and quality in public sector management

104. The accountability of public officials is a defining feature of a democratic form of governance. Institutions and techniques vary according to regime, culture, history and the particular political context of a country. Periodic elections allow the electorate to hold officials accountable, but other institutions have an important role to play. Public opinion can also exercise influence over official behaviour. NGOs and media, in particular, are active in demanding more transparency and better quality - as well as clear accountability - of public administration at all levels.

105. In a democratic society, openness and transparency require that information is available from both private and public sources, and that there is tolerance for public debate. Increasing the availability of political, economic and

financial data requires publishing capacity, a legal enabling environment concerning access, and distribution networks for information, such as non-governmental organizations, universities and research groups, media, trade unions and professional associations.

106. The World Bank has played an important role in providing assistance to countries wishing to improve the accountability and quality of management in their public sectors. The Bank is, for example, carrying out a public sector management project in Chile. The ability of Chile's Congress to evaluate new legislation is tied to the quality of information and analysis it receives. The project aims to improve the ability of the legislative branch to review and formulate policy by strengthening the Library of Congress. This will involve computerizing communications systems, strengthening reference holdings, and conducting training programmes. In addition, communications links between the legislative and executive branches of government will be strengthened. All these efforts will contribute towards increasing the efficiency of the Government's policy-making.

107. The judicial system in many developing countries is extremely weak, with the administration of justice often hampered by long delays and inconsistent rulings. The causes include an inefficient court management system, inadequate remuneration for judicial system staff and weak information systems. Often, personnel policies lack transparency and are politically motivated. In order to help to correct some of these problems, the World Bank is cooperating with countries asking for such assistance. For instance, in Venezuela, it has a project aimed at improving the efficiency of the judiciary. To achieve this, the institutional capacity of the Judicial Council, the principal administrative organ of the judicial system, will be strengthened. Measures such as automating courtroom procedures, improving training in the Judicial School, and strengthening the planning, budgeting, and management capacity of the Council will be supported.

108. The problems posed by lack of transparency in national economic management were first highlighted by the World Bank in 1989. Weak economic and accounting data systems, poor tender procedures, secrecy of budget documents and deficient mass media were identified as the main explanatory factors. The importance of promoting transparency through an independent and free press was particularly stressed. Strengthening economic and accounting data systems have been components in several public sector management reform programmes supported by the International Development Agency since 1991. Examples include Angola, Burkina Faso, Mauritania and Sierra Leone.

109. Because corrupt activities on the part of public officials can destroy the potential effectiveness of governmental programmes, hinder development and victimize individuals and groups, it is important that adequate criminal laws, including procedural legislation, be adopted to allow a recourse to sanctions and ensure an effective deterrence. Procedures should exist for the detection, investigation and conviction of corrupt officials, as well as administrative and regulatory mechanisms for the prevention of corrupt practices or the abuse of power. The Crime Prevention and Criminal Justice Branch provides technical assistance in this regard. It has elaborated, in particular, a "Manual on

practical measures against corruption" and a draft International Code of Conduct for Public Officials.

110. The linkage between opaque procurement systems and corruption is stressed in the World Bank's programmes. Significantly, it is in countries where newly elected Governments would like to correct the mistakes of their predecessors that the greatest interest is shown in the design and installation of new procurement systems. Examples include Benin, Burkina Faso and Zambia. Another form of the Bank's support for increased transparency and openness is the assistance provided for the publication of government gazettes. In Mauritania, for example, official gazettes that used to be published abroad one or two years late are now published locally, on time every two weeks.

111. UNDP has also addressed the problem of deficient procurement practices. Through its support to the Bolivian Government's endeavour to accelerate the investment process, thus making more transparent the disbursement of international financial loans and grants, it launched the Technical Support to Procurement Project in Bolivia in 1988. The project has brought important financial savings. It has received 716 requests for services and finalized 1,009 biddings for a total value of investments of $2,119 million. Ninety-three governmental institutions were assisted. Annual capital investments increased from $215 million in 1987 to more than $600 million in 1993. The time required for procurement and contracting of goods and services has been reduced. The participation of the project in public procurement has generated savings in excess of 25 per cent of the amounts originally budgeted by the entities, with total estimated savings of nearly $500 million.

112. In order for the democratization process to become firmly established in new or restored democracies, appropriate fiscal and monetary management is essential. Macroeconomic stability is the underpinning of sustained economic growth and development. Fiscal transparency and accountability are particularly important in a democratization process. Without national and global confidence in the essential elements required for the development of a robust economy, democratization will be threatened.

113. The global revolution in favour of democratization and market-oriented economies, as well as the expanding implementation of structural adjustment policies, has increased the demand for technical cooperation to support countries in formulating and implementing sound financial economic policies. Policy and operational assistance is often critically and urgently needed as key decisions are made; longer-term capacity and institutional development must be supported through in-country seminars and workshops, as well as overseas training through both exposure to successful counterpart operations in other countries and advanced education.

114. In CIS countries and Eastern Europe, focused programmes have been developed by IMF with other donors to adapt command economies to democratic, market-oriented environments. Significant legal and policy changes have been needed, as well as the retraining of staff and the construction of operational systems. Similarly, IMF has supported work in Cambodia, the Lao People's Democratic Republic, and Viet Nam as these countries work to establish evolving economies. In Africa, many countries continue to be assisted on either an as-needed basis,

or under a programme approach. For example, Angola, Namibia, the United Republic of Tanzania, and Zambia have received formal technical assistance programmes, and programmes are now being developed for Malawi, Rwanda, and Sudan. In the western hemisphere, Haiti is being provided assistance under a closely coordinated effort with other donors. This assistance can, I believe, make important contribution to better governance, and to more transparent institutions, and can thus enhance the democratization process.

D. Capacity-building and civil service reform

115. A basic requirement for the consolidation and promotion of new or restored democracies is a political leadership of sufficient calibre and integrity to offer the country a vision and to give expression to popular demands. Countries in transition need politicians, whether in power or in opposition, who are ready to serve the whole population and present themselves as models as far as moral and professional standards are concerned.

116. UNDP has gained considerable experience in training for parliamentarians and senior civil servants in countries in transition. Whereas, in the past, political leaders in such countries saw their role essentially as providing guidance and direction for the people, today's leaders require new techniques and up-to-date information to enable them to interact effectively with their own electorates. Recent experience has shown that training to assist them in developing new skills as facilitators and team leaders is particularly valuable. Such training can involve the use of seminars, "think-tanks" and retreats for senior politicians.

117. These requirements apply also to judges and others serving in the judicial branch. A democratization process cannot really take root without an independent, qualified and transparent judiciary.

118. Many of the countries undergoing a democratization process have yet to face up to the magnitude of change needed within their public sector in order to sustain efficient, participatory societies. How to manage the transition from an overstaffed, underskilled and poorly motivated civil service to a smaller, realistically paid and professional one in a way that does not provoke resistance to change, is not yet adequately understood. In many countries, bureaucratic attitudes are a serious problem. In others, the social consequences of massive layoffs are understandably feared.

119. The World Bank's recent experience in sub-Saharan Africa highlights the limitations of the past focus of the Bank that emphasized reduction and control of civil service staff and the burden of the wage bill on the budget. It stresses the very small budgetary savings recorded in almost every case and the fact that there is not a direct and automatic relationship between reducing bureaucracy and increasing efficiency and effectiveness.

120. Another example of civil service reform is the UNDP project in Egypt which promotes a service-oriented public sector. The three main objectives are: (a) to reorient civil servants and upgrade their skills, (b) to modify laws and regulations, rationalizing and harmonizing the civil service, and allowing for

devolution and subcontracting, and (c) to upgrade and restructure selected government agencies.

V. OBSERVATIONS AND RECOMMENDATIONS

121. I have provided examples in this report of how the United Nations system can support the efforts of Governments to promote and consolidate new or restored democracies. From the experience gained in the operations described, a number of lessons can be drawn.

122. As far as electoral assistance is concerned, it has become clear that there is no single formula that may be used to ensure a successful election. Electoral assistance must be guided by the wishes of the Member States concerned and the practical realities of each electoral situation, keeping in mind the overall goal of long-term capacity-building. United Nations electoral assistance is, ultimately, aimed at the creation of its own obsolescence.

123. Experience gained so far indicates that the development of an effective institutional memory is critical to improved electoral assistance activities. Earlier experience provides a basis for future technical and administrative innovation which can result in more effective assistance at lower cost. Past cooperation with other intergovernmental organizations can be replicated and strengthened in future operations. Experts who participated in one mission have valuable lessons to share with mission experts from other regions of the world.

124. The role of international observers has been highlighted in many electoral operations and the advantages and disadvantages of the observer presence have been widely discussed. Experience has demonstrated, however, that an influx of large numbers of observers for election day may be unnecessarily costly and less effective than the deployment of a smaller number of observers who arrive in the country prior to registration and remain for the entire electoral process. Long-term observation allows observers to familiarize themselves with the country and existing practice and allows for more sensitive and useful observations and assessments than does the short-term observation which has been the more frequent practice. At the same time, adequate observer coverage on election day can be assured by using mobile teams of observers rather than assigning observers to specific polling stations for the entire day(s), provided that there is a national NGO or party observer presence at each polling station. In future, greater emphasis will be placed on long-term observation and the strengthening of national observer networks rather than on the deployment of massive numbers of international observers around election day.

125. I have already noted that elections are necessary but not sufficient to ensure the durability of a democratization process. That is why the United Nations has broadened its action to include assistance to constitutional reforms, institution-building and civic education. Activities have focused, in particular, on the creation of independent systems for the administration of justice, the establishment of armed forces respectful of the rule of law, the training of police forces that safeguard public freedoms and the setting up of human rights institutions. These programmes now undergo changes in response to new global, regional and country level circumstances. The breadth of

democratization, governance and institution-building makes it difficult for any United Nations entity to support the entire spectrum of programmes in the area. A well-coordinated distribution of labour within the whole United Nations system is called for.

126. Some agencies have tended to concentrate on the administrative aspects of governance, encouraging the development of an efficient, independent, accountable and open public sector. The future challenge to such agencies will be to widen this approach to take into account the social and political aspects of governance, institution-building and democratization, and to coordinate their programmes at an early stage with other United Nations entities working in these fields.

127. In meeting these challenges, I recommend that the Secretariat and all agencies increase their cooperation in the area of institution-building and governance, in particular through strengthening capacity-building of democratic institutions. The aim should be to develop an expanding network for policy development and programme cooperation, involving United Nations agencies, bilateral donors and interested professional organizations. This new framework for coordination should involve both the headquarters level and the regional and field offices.

128. In supporting democratization efforts, different components of the United Nations system should pay particular attention to such key areas of involvement as: the strengthening of leadership skills and political institutions; support for effective judiciaries guaranteeing the rule of law and the protection of human rights; strengthening linkages between government and civil society through NGOs, the media, local government and professional associations; and taking part in the area of decentralization.

129. In order to secure solid foundations for peace, democratization and development, and a smooth continuum from relief to sustainable development, it is essential to strengthen democratic structures and forms of government. In this regard, the Department of Political Affairs of the Secretariat should be consulted at an early stage in the preparation of the programmes and plans that the financial, economic and social branches of the system are devising for any given Member State. Conversely, as the Department of Political Affairs considers preventive, peacemaking and peace-building activities and programmes, it should ensure the early involvement of the international financial institutions and the economic and social programmes and departments.

130. Enhanced coordination within the United Nations system continues to be a priority objective. I have taken a number of steps in this direction. For example, the same person has been designated as UNDP Resident Representative and Deputy to my Special Representative in Haiti. This double appointment is intended to highlight the need to ensure, from the outset, maximum coordination of the different elements of the United Nations system present in a country where the Organization has been invited to support the process of democratization.

131. The challenge of democratization in today's world cannot be met by the United Nations system or by Governments alone, although the latter remain the

principal actors. A multiplicity of partners, including regional organizations, NGOs, parliamentarians, business leaders, professional associations, trade unions, the academic community and others, and above all the ordinary citizen, have an indispensable and complementary role to play. Acting at the national and international levels, they all contribute to democratization. It is important that the United Nations should work actively with all these.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/50/332/Corr.1
23 August 1995

ENGLISH ONLY

Fiftieth session
Item 41 of the provisional agenda*

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Report of the Secretary-General

Corrigendum

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Section IV.D should read Capacity-building and civil service reform

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* A/50/150.

95-24856 (E) 230895